

## Remarks

Claims 1-11, 14, and 16-25 are rejected as being unpatentable over Persidsky in view of Schiller and Wang.

Claims 12, 13 and 15 are rejected as being unpatentable over Persidsky in view of Schiller and further in view of Wang and in further view of Lewis.

Claim 1 has been amended to include: "wherein said writing instrument has an optoelectronic receiver for picking up the code and the writing pad comprises at least one optically detectable layer which is detected by the optoelectronic receiver on the writing instrument". Claims 16 and 17 have been amended similarly. Additionally, claim 16 has been cancelled.

The Amendment to claim 1 goes further than claim 16 to distinguish from the prior art.

Claim 21, which is a method claim, is further amended to distinguish from the prior art to recite that the absolute determination of the position of the writing instrument is detected by the optoelectronic receiver on the writing instrument, wherein said writing instrument has an optoelectronic receiver that picks up the code.

Applicant respectfully believes that the present Amendment to the claims overcomes the cited references and places the claims in condition for allowance.

A two-month extension of time in which to respond to the outstanding Office Action is hereby requested. PTO 2038 authorizing charging a credit card for the \$225 for the prescribed Small Entity two-month extension fee is enclosed.

Wherefore, further consideration and allowance of the claims of this application is respectfully requested.

Respectfully submitted,



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#### CERTIFICATE OF FAX TRANSMISSION

I hereby certify under 37 CFR §1.8 that this correspondence is being submitted to the Mail Stop Amendment with Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by facsimile transmission on August 24, 2006, fax number (571) 273-8300.



M. Robert Kestenbaum